

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AMMAR AL-HABASH

v.

RAYTHEON COMPANY

§
§
§
§
§

Civil Action No. 4:15-CV-00450
Judge Mazzant

VERDICT FORM

We, the Jury, find as follows:

Discrimination Claim

QUESTION ONE

Has Plaintiff proved by a preponderance of the evidence that his race was a motivating factor in Defendant's decision to not promote him?

Answer "Yes" or "No."

Answer: No

If you answered "Yes" to Question 1, then answer Question 2. Otherwise, proceed to Question 3.

QUESTION TWO

Has Defendant proved by a preponderance of the evidence that it would have made the same decision to not promote Plaintiff even if it had not considered his race?

Answer "Yes" or "No."

Answer: 

Please proceed to Question 3.

QUESTION THREE

Has Plaintiff proved by a preponderance of the evidence that his national origin was a motivating factor in Defendant's decision to not promote him?

Answer "Yes" or "No."

Answer: Yes

If you answered "Yes" to Question 3, then answer Question 4. Otherwise, proceed to Question 5.

QUESTION FOUR

Has Defendant proved by a preponderance of the evidence that it would have made the same decision to not promote Plaintiff even if it had not considered his national origin?

Answer "Yes" or "No."

Answer: No

Proceed to Question 5.

QUESTION FIVE

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant caused Plaintiff in Question 1 and/or Question 3?

Answer in dollars and cents for the following items and none other:

1. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: \$ 0

2. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: \$ 0

3. Wages and benefits lost as a result of the denial of promotion to E6, for the period April 30, 2013 to the date of your verdict.

Answer: \$ 321,525

Please proceed to Question 6.

Claim

QUESTION SIX

Do you find by a preponderance of the evidence that Plaintiff would not have been given an "I" performance rating on his 2013 annual performance review but for his complaint to Defendant's human resources department in September 2013 and/or his complaint to the Equal Employment Opportunity Commission in December 2013?

Answer "Yes" or "No."

Answer: Yes

Please proceed to Question 7.

QUESTION SEVEN

Do you find by a preponderance of the evidence that Plaintiff would not have been given Performance Improvement Plan but for his complaint to Defendant's human resources department in September 2013 and/or his complaint to the Equal Employment Opportunity Commission in December 2013?

Answer "Yes" or "No."

Answer: Yes

Please proceed to Question 8.

QUESTION EIGHT

Do you find by a preponderance of the evidence that Plaintiff would not have been terminated but for his complaint to Defendant's human resources department in September 2013 and/or his complaint to the Equal Employment Opportunity Commission in December 2013?

Answer "Yes" or "No."

Answer: No

Answer Question 9 if you answered "Yes" to Questions 6, 7, or 8. Otherwise, proceed to instructions before Question 10.

QUESTION NINE

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant caused Plaintiff in Questions 6, 7, and/or 8?

Answer in dollars and cents for the following items and none other:

1. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: \$ 0

2. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: \$ 0

3. Wages and benefits lost as a result of the "T" performance rating and/or termination from March 13, 2014 to the date of your verdict.

Answer: \$ 0

Please proceed to the next page.

Mitigation of Damages

Answer Question 10 only if you answered Question 5 or Question 9. Otherwise, proceed to instructions before Question 12.

QUESTION TEN

Do you find by a preponderance of the evidence that Plaintiff failed to reduce his damages through the exercise of reasonable diligence in seeking, obtaining, and maintaining substantially equivalent employment after the date of his termination?

Answer "Yes" or "No."

Answer: No

Answer Question 11 if you answered "Yes" to Question 10. Otherwise, proceed to instructions before Question 12.

QUESTION ELEVEN

How much would Plaintiff have earned had he exercised reasonable diligence under the circumstances to minimize his damages?

Answer in dollars and cents, if any.

Answer: \$ _____

Please proceed to the next page.

Punitive Damages

Answer Question 12 only if you answered "Yes" to Question 1 and "No" to Question 2. Otherwise, proceed to signature line.

QUESTION TWELVE

Do you find by a preponderance of the evidence that Plaintiff should be awarded punitive damages?

Answer "Yes" or "No."

Answer: YES

Answer Question 13 if you answered "Yes" to Question 12. Otherwise, proceed to signature line.

QUESTION THIRTEEN

What sum of money should be assessed against Defendant as punitive damages?

Answer in dollars and cents, if any.

Answer: \$ 500,000

Please proceed to signature line.

Date: Nov. 4, 2016